



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
D1W Aug-06

LOUDERMILK & ASSOCIATES
P.O. BOX 3607
LOS ALTOS CA 94024-0607

COPY MAILED

AUG 08 2006

OFFICE OF PETITIONS

In re Application of :
Rangan et al. : DECISION ON PETITION
Application No. 09/173,582 :
Filed: 15 October, 1998 :
Attorney Docket No. VN169R1 :

This is a decision on the petition filed on 18 March, 2006, which is being treated as a petition under 37 CFR 1.183 seeking waiver of 37 CFR §§ 1.67 and 1.175 where it requires that a supplemental declaration be executed by a named inventor.¹

The petition is before the Office of Patent Legal Administration for decision.

The petition is **GRANTED**.

REVIEW OF FACTS

1. On 15 October, 1998, the application was filed as an application for reissue of U.S. Patent No. 5,566,169.
2. On 11 May, 1999, and 28 June, 1999, a declaration in compliance with 37 CFR 1.63 and 1.175 was filed, naming Geetha N.K. Rangan, Debra J. Worsely, Richard Thaik, and Brian C. Edem as joint inventors.
3. On 18 March, 2006, a supplemental reissue declaration was filed together with the present petition, whereby petitioners

¹ Once an application has received a fully executed oath or declaration and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. Rather, the remedy for treating an inventor's refusal to also sign a supplemental oath or declaration is waiver of 37 CFR 1.67. See MPEP 603.

assert that joint inventor Thaik cannot be located to sign and return the supplemental declaration.

DECISION ON PETITION UNDER 37 CFR 1.183
TO WAIVE §§ 1.67 AND 1.175

In view of the efforts recounted in the petition to locate and obtain the signature of Richard Thaik on the supplemental declaration in compliance with 37 CFR 1.175, it is agreed that justice would be served by waiving the requirement for the signature of joint inventor Thaik on the supplemental declaration filed on 18 March, 2006.

CONCLUSION

1. The petition is granted.
2. It is noted that petitioners submitted \$200.00 with the present petition. Effective 8 December, 2004, however, the fee for a petition under 37 CFR 1.183 is \$400.00. As such, the balance of \$200.00 will be charged to counsel's deposit account, No. 50-0251 as authorized in the petition filed on 18 March, 2006.
3. The application is being referred to Technology Center Art Unit 2661 for further processing.
4. Telephone inquiries related to this decision only should be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.
5. Inquiries regarding petition status or general petition information are handled by the Office of Petitions staff at (571) 272-3282.



Kenneth M. Schor
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy